

This listing of claims will replace all prior versions and listings of claims in the present application.

### **Listing of Claims**

1. (Canceled) A gutter retaining system for mounting a rain gutter under the eaves of a roof comprising:

a retaining member; and

a gutter clip having a locking tip contiguous with a nib end, said nib end being adjacent a hanger portion, said hanger portion being contiguous with one end of a u-portion, a second end of said u-portion being contiguous with a vertical portion, said hanger portion and said vertical portion being approximately parallel with said nib end angled outwardly from said hanger portion and said locking tip being angled inwardly toward said vertical portion from said nib end, whereby said hanger portion and said locking tip fit within said retaining member.

2. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 1 further comprising a base adjacent said vertical portion.

3. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 2 further comprising an extension adjacent said base.

4. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 3 wherein said vertical portion further comprises a front face and a

back face.

5. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 4 further comprising a first elbow between said vertical portion and said base.

6. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 5 further comprising a second elbow between said base and said extension.

7. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 6 wherein said gutter clip further comprises a lower u-portion adjacent said extension.

8. (Canceled) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 7 wherein said gutter clip further comprises an end adjacent said lower u-portion.

9. (Currently amended) ~~The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 8 wherein said retaining member comprises a mounting lip adjacent a horizontal section, one end of said horizontal section for placement under the tiles of said roof and the remaining end of said horizontal section forming a return, said return ending in a hooked portion, whereby said nib end fits within said~~

~~hooked portion to allow said locking tip to secure said gutter clip in place.~~

A gutter retaining system for mounting a rain gutter under the eaves of a roof comprising:

a retaining member comprising a mounting lip adjacent a horizontal section,  
one end of said horizontal section for placement under the tiles of said roof and the  
remaining end of said horizontal section forming a return, said return ending in a  
hooked portion, whereby a nib end of said gutter clip fits within said hooked portion  
to allow a locking tip of said gutter clip to secure said gutter clip in place; and  
a gutter clip having said locking tip contiguous with said nib end, said nib end  
being adjacent a hanger portion, said hanger portion being contiguous with one end of  
a u-portion, a second end of said u-portion being contiguous with a vertical portion  
having a front face and a back face, said vertical portion being adjacent a base with a  
first elbow positioned between said vertical portion and said base, said base being  
adjacent an extension with a second elbow positioned between said base and said  
extension, said extension being adjacent a lower u-portion, said lower u-portion being  
adjacent an end, said hanger portion and said vertical portion being approximately  
parallel with said nib end angled outwardly from said hanger portion and said locking  
tip being angled inwardly toward said vertical portion from said nib end, whereby said  
hanger portion and said locking tip fit within said retaining member.

10. (Canceled) The gutter retaining system for mounting a rain gutter to a retaining member under the eaves of a roof of Claim 9 wherein said gutter comprises a channel formed by a front wall and a back wall.

11. (Previously presented) A gutter retaining system for mounting a rain gutter under the eaves of a roof comprising:

a gutter;

a retaining member positioned adjacent said gutter; and

a gutter clip having a locking tip contiguous with a nib end, said nib end being adjacent a hanger portion, said hanger portion being contiguous with one end of a u-portion, a second end of said u-portion being contiguous with a vertical portion, said hanger portion and said vertical portion being approximately parallel with said nib end angled outwardly from said hanger portion and said locking tip being angled inwardly toward said vertical portion from said nib end, whereby said hanger portion and said locking tip fit within said gutter and said retaining member.

12. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 11 wherein said retaining member comprises a mounting lip adjacent a horizontal section, one end of said horizontal section for placement under the tiles of said roof and the remaining end of said horizontal section forming a return, said return ending in a hooked portion, whereby said nib end fits within said hooked portion to allow said locking tip to secure said gutter clip and said gutter in place.

13. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 12 further comprising a base adjacent said vertical portion.

14. (Previously presented) The gutter retaining system for mounting a rain gutter

under the eaves of a roof of Claim 13 further comprising an extension adjacent said base.

15. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 14 further comprising a first elbow between said vertical portion and said base.

16. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 14 further comprising a second elbow between said base and said extension.

17. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 14 wherein said gutter clip further comprises a lower u-portion adjacent said extension.

18. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 17 wherein said gutter clip further comprises an end adjacent said lower u-portion.

19. (Previously presented) The gutter retaining system for mounting a rain gutter under the eaves of a roof of Claim 12 wherein said gutter comprises a channel formed by a front wall and a back wall.